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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,103	10/25/2001	Rosa H. Birjandi	020431.0780	7720
53184	7590	05/25/2006	EXAMINER	
i2 TECHNOLOGIES US, INC. ONE i2 PLACE, 11701 LUNA ROAD DALLAS, TX 75234			RUDY, ANDREW J	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,103

Applicant(s)

BIRJANDI ET AL.

Examiner

Andrew Joseph Rudy

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 17, 2006 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7, line 9, "a dummy location" is not clear. Page 15, line 15+, of the descriptive portion of the specification disclose what the dummy location may be, but not what it is. Thus, it is not clear what a dummy location comprises.

Claim 7, line 10, "a path" is not clear in juxtaposition to "a plurality of paths" that immediately precedes "a path." Is "a path" part of the plurality of paths? Thus, it is not clear what a path comprises.

Claim 7, line 12, "an infinite transfer cost" is not clear. Page 16, line 14+, of the descriptive portion of the specification disclose what the infinite transfer cost may be, but not what it is. Also, it is not clear how Applicant can claim an infinite transfer cost. It's meets and bounds have no end. Thus, it is not clear what the infinite transfer cost comprises.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-12, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Aykin, US 6,516,301.

Aykin discloses, e.g. Figs. 1-3 and associated text, a computer implemented system for redistributing a part comprising a plurality of locations, e.g. factories, establishing actual inventory, a desired distribution, a demand, a plurality of paths, and optimize a transfer function. Aykin does not disclose a dummy location, nor an infinite transfer cost. Official Notice is taken that a dummy location and infinite transfer cost are both common knowledge in the parts distribution art. To have provided such for Aykin would have been obvious to one of ordinary skill in the art.

Again it is noted that Applicant's claim language is replete with intended use claim language. Such language is given less patentable weight than positively recited claim language. Applicant's REMARKS regarding this issue have been noted, but are not convincing.

4. Claims 7-12, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rand et al, US 5,960,414.

Rand discloses a computer implemented system for redistributing a part, e.g. Figs. 2-4, regarding excess inventory from actual inventory. Rand does not disclose a dummy location, nor an infinite transfer cost. Official Notice is taken that a dummy location and infinite transfer cost are both common knowledge in the parts distribution art. To have provided such for Rand would have been obvious to one of ordinary skill in the art. Applicant is reminded that intended use claim language, e.g. for redistributing, is given patentable weight, but less patentable weight than positively recited claim language, e.g. a system.

Again, it is noted that Applicant's claim language comprises a positively recited system followed by intended claim language. Official Notice is taken that defining a plurality of locations and transferring an inventory part from one location to another location has been common knowledge in the inventory art. To have provided such for Rand would have been obvious to one of ordinary skill in the art.

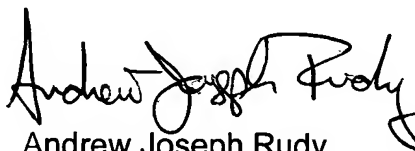
The motivation for having done such would have been to implement common knowledge part redistribution when moving inventory. Rand inherently comprises processing units and computer programming to optimize the redistributing of excess part inventory. The previous Official Notice is deemed admitted as it was not traversed. Applicant's REMARKS regarding Rand have been noted, but are not convincing in juxtaposition with the indefinite claim language submitted by Applicant.

5. A further pertinent references of interest is noted on the attached PTO-892.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Andrew Joseph Rudy
Primary Examiner
Art Unit 3627